



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Donald F. McGahn, II, Esq.  
General Counsel  
National Republican Congressional Committee  
320 First St., SE  
Washington, DC 20003

DEC 06 2000

RE: MUR 5005

Dear Mr. McGahn:

On April 26, 2000, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on October 25, 2000. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 47g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Jordan".

Jeff S. Jordan  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

**MUR 5005**  
**TOLTZ 2000**

Donald F. McGahn, II, and the National Republican Congressional Committee ("NRCC") alleged that Toltz 2000 failed to itemize \$29,500 in PAC contributions, may have fraudulently attributed values to in-kind contributions, which were rounded to possibly hide excessive contributions, and received an in-kind contribution in excess of the limit by \$119.85 from an individual. Kenneth A. Toltz was a candidate in Colorado's 6<sup>th</sup> congressional district's August 8, 2000, primary election.

Toltz 2000 and Karen Rokala, Treasurer, responded that the complaint lacked factual and legal merit. First, the complaint was filed on the day Mr. Toltz's opponent announced his candidacy. Second, the Toltz 2000 committee had already discovered that it accidentally omitted two pages of Schedule A reporting receipts, and had filed an amended report well before the NRCC filed its complaint. Toltz 2000 also stated that the allegation that it may have hidden excessive contributions by attributing round numbers to in-kind contributions was baseless. The Committee stated that its donors were "overly conservative in their valuations," attributing greater worth to in-kind contributions than actual market value. As to the complainants' last concern, that a contribution in excess by \$119.85 was received, the Committee demonstrated in supporting documentation that the excessive amount was actually \$219.85. The Committee stated, and provided documentation to reflect, that it requested a redesignation of the excessive amount. When no redesignation was received, the Committee refunded the excessive amount with a check of \$219.18. (There was a discrepancy between the check and the letter from the committee of \$0.66)

This matter is less significant relative to other matters pending before the Commission, the Committee took remedial action before the complaint was filed, and the matter involves insubstantial amounts of money.